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8 UNITED STATES
9 ENVIRONMENTAL PROTECTION AGENCY
10 REGION 9

10 In the Matter of) ORDER
11)
12 Dave Hudson and)
13 Hudson Farms, Inc.,) Docket No. 84-16
14 Respondents.)
15)
16 Proceeding Under Section)
17 106(a) of the Comprehensive)
18 Environmental Response,)
19 Compensation and Liability Act)
20 of 1980 (42 U.S.C. §9606(a)))

21 I

22 JURISDICTION

23 The following Order is issued on this date to Dave Hudson
24 and Hudson Farms, Inc., Laveen, Arizona ("Respondents") pursuant
25 to the authority vested in the President of the United States by
26 §106(a) of the Comprehensive Environmental Response, Compensation,
27 and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601 et seq.,
28 delegated to the Administrator of the United States Environmental
Protection Agency (EPA) by Executive Order Number 12316 (August
20, 1981, 46 FR 42237), and redelegated to the Regional Adminis-
trator, EPA, Region 9. Notice of the issuance of this Order has
been given to the State of Arizona.

II

FINDINGS OF FACT

1. The site is a 12-acre area near 51st Avenue and Estrella Drive on the Gila River Indian Reservation near Laveen, Arizona that encompasses an abandoned pesticide applicator airstrip, residences for 19 people, and several areas identified as contaminated with pesticides.
2. The site is a facility as defined by CERCLA §101(9), 42 U.S.C. §9601(9).
3. Either Hudson Farms, Inc. or Dave Hudson, or both, leased and operated the site from 1977 to 1978. During this time, pesticide applicators were allowed to use the site as a base of operations for aerial pesticide application.
4. On May 17, 1984, Charles Moses, Pesticide Control Officer, Gila River Indian Community, inspected the site in response to complaints from site residents regarding odors and health effects which they attributed to pesticide contamination of the area. Moses documented the following observations.
 - A. Strong odors, characteristic of pesticides, were present.
 - B. The soil within 30 feet of a residence was stained. The stains were indicative of pesticide spills.
 - C. In addition to the stained soil area, there was a pesticide container disposal area at the site that contained 50 to 100 empty 5 gallon cans. Product labels, still attached to several cans, specified Azodrin, Toxaphene, Methyl Parathion 6-3 E, Lannate L, DEF 6, Ambush, Bolstar 6, and Furadan.
 - D. The Arizona grower number 9823 was written on four empty

containers. Number 9823 was assigned to Dave Hudson.

The name of Dave Hudson was also written on several cans.

5. During the inspection, Moses collected two soil samples: one from the stained soil near the residence, and the other from a pile of stained soil. The sample analysis results, reported in parts per million (ppm), are listed below.

| <u>Compound</u> | <u>Stained Soil</u> | <u>Stained Soil Pile</u> |
|------------------|---------------------|--------------------------|
| methyl parathion | 59.6 | 364 |
| ethyl parathion | 4086 | 1894 |
| toxaphene | 9100 | 7500 |
| DEF | 3.0 | 182 |

6. Methyl parathion, ethyl parathion, and toxaphene are hazardous substances as defined by CERCLA §101(14), 42 U.S.C. §9601(14).

7. Ethyl parathion and methyl parathion are highly toxic compounds capable of causing death or permanent injury due to exposures associated with normal use. Parathion toxicity is high for all major routes of entry: inhalation, ingestion, and dermal contact. Experimental data show that parathions are teratogenic and carcinogenic. Chronic exposure to parathions produces dangerously low levels of cholinesterase, increasing an organism's sensitivity to further low-level exposure.

8. Toxaphene is highly toxic when ingested, capable of causing death through respiratory failure, and moderately toxic via dermal contact or inhalation. Toxaphene causes diffuse stimulation of the brain and spinal cord resulting in generalized convulsions of a tonic or clonic character. Toxaphene is an experimental carcinogen.

9. On July 27, 1984, EPA's Technical Assistance Team conducted a

1 preliminary assessment of the site. Based on this assessment
2 and the findings cited above, the Regional Administrator of
3 EPA Region IX determined on July 31 that the site presented
4 an immediate and significant risk of harm to human life, or
5 health, or to the environment and authorized spending \$102,411
6 of CERCLA funds to temporarily relocate site residents, assess
7 the nature and extent of the contamination, and clean the site.
8 EPA completed the relocation project on August 9.

9 III

10 DETERMINATION

11 Based upon the foregoing Findings of Fact, the Regional
12 Administrator has determined that hazardous substances have been
13 used at the facility and that the release of such substances from
14 the facility may present an imminent and substantial endangerment
15 to the public health or welfare or the environment.

16 The Regional Administrator has further determined that Respon-
17 dents are past lessees and operators responsible for conducting the
18 actions ordered herein, which are necessary to abate the endanger-
19 ment to public health and the environment.

20 IV

21 ORDER

22 Based upon the foregoing Determination and Findings of Fact,
23 Respondents are ordered and directed, pursuant to §106(a) of CERCLA,
24 42 U.S.C. §9606 et seq., to (I) prepare and submit to EPA within
25 one week of receiving this Order a written proposal for work
26 ("Proposal") to characterize and mitigate the hazard posed by the
27 site and assume financial responsibility for the temporary housing
28 for relocated residents, and (II) implement the Proposal after

1 receiving EPA approval of same. The Proposal shall briefly
2 outline future work which shall be divided into two phases: site
3 characterization and site clean-up. The Proposal shall include
4 the following:

- 5 1. A Phase I plan for characterizing the nature and extent of
6 the contamination. This plan shall identify all areas to be
7 sampled, the approximate number of samples, the location and
8 depth of samples, and the sample analysis parameters. This
9 plan shall include off-site sampling to characterize background
10 levels of the contaminants. This plan shall also include a
11 site safety plan and provisions for retaining, identifying,
12 maintaining and submitting to EPA upon request, splits of all
13 samples taken pursuant to this Order.
- 14 2. A Phase II plan to clean up the site to background levels of
15 contamination as determined in Phase I. This plan shall
16 include a description of potential clean-up procedures and
17 monitoring mechanisms. This plan shall also include provisions
18 for satisfying all requirements for transporting and disposing
19 of hazardous substances in an authorized hazardous waste
20 disposal facility.
- 21 3. Provisions for subsequent submittal of workplans describing
22 Phase I and Phase II work in detail.
- 23 4. A schedule which identifies all submittal dates, review periods,
24 and implementation deadlines.
- 25 5. Provisions for assuming financial responsibility for the
26 temporary housing for relocated residents.

27 All samples shall be collected, preserved, packaged, shipped,
28 handled, and prepared for analysis according to the protocols

1 specified by the EPA On-Scene Coordinator. All sample handling
2 shall be performed according to the chain of custody procedures
3 specified by the OSC. Any samples analyzed pursuant to this
4 Order shall be analyzed according to EPA-approved analytical
5 methods.

6 Respondents shall assume full responsibility for any claims
7 arising from the activities conducted by Respondents or their
8 representatives or consultants in connection with this Order.
9 Respondents shall provide access to the site for EPA employees,
10 contractors, or consultants at all reasonable times and shall
11 permit such persons to be present and move freely in the area
12 where any work is being conducted pursuant to this Order.

13 Robert Mullinaux of the EPA has been designated the On-Scene
14 Coordinator and has the authority vested by 40 CFR §300 et seq.,
15 published at 47 FR Part 31180 (July 16, 1982).

16 Respondents shall submit the Proposal to the EPA contact
17 person named below within seven calendar days of receipt of this
18 Order.

19 V

20 OPPORTUNITY TO CONFER--EFFECTIVE DATE

21 Under the provisions of CERCLA, Respondents may request a
22 conference to be held at any time before submitting the Proposal
23 to discuss the Order, its applicability, the correctness of any
24 factual determinations upon which the Order is based, the appro-
25 priateness of any action which Respondents are ordered to take,
26 and any other relevant or material issue. Such request may be
27 made orally, but must be confirmed in writing. At any conference
28 held at Respondents' request, Respondents may appear in person,

1 accordance with §107(c) of CERCLA.

2 It is so ordered on this 10th day of August, 1984.

3 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

4

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BY:

John Wise

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^{for}
JUDITH E. AYRES

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REGIONAL ADMINISTRATOR, REGION IX

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Contact person:

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